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8 *California Department of Toxic Substances Control and the*  
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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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13 **CALIFORNIA DEPARTMENT OF TOXIC**  
14 **SUBSTANCES CONTROL and the TOXIC**  
15 **SUBSTANCES CONTROL ACCOUNT,**

16 Plaintiffs,

17 v.

18 **CHEVRON ORONITE COMPANY LLC;**  
19 **et al.**

20 Defendants.  
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Case No. 2:21-cv-1737-TLN-JDP

**JOINT STATUS REPORT AND JOINT  
REQUEST TO EXTEND STAY OF  
LITIGATION BY 180 DAYS**

Courtroom: 2 – 15th Floor  
Judge: Hon. Troy L. Nunley  
Trial Date: None Set  
Action Filed: September 24, 2021

1 Pursuant to paragraph 5 of the Court's June 9, 2022, Order Staying Litigation for  
2 Settlement Negotiations (ECF #20) and the Court's November 11, 2022 Minute Order (ECF #44),  
3 the undersigned Parties hereby submit this Joint Status Report and Joint Request to Extend Stay  
4 of Litigation.

5 On June 9, 2022, the Court stayed this litigation until November 26, 2022, to enable the  
6 Parties to engage in settlement negotiations. (ECF #20.) Since that time, Plaintiffs the Department  
7 of Toxic Substances Control ("DTSC") and the Toxic Substances Control Account (collectively,  
8 "Plaintiffs") and Defendants<sup>1</sup> have continued their settlement discussions and have made  
9 significant progress toward presenting the Court with a proposed Consent Decree. The Parties  
10 have exchanged multiple drafts of settlement terms to globally resolve this litigation and the other  
11 pending cases between the Parties. To that end, the Parties have had multiple video meetings and  
12 conference calls and many email communications regarding the settlement terms. At present, the  
13 Parties are negotiating a very few remaining issues and are close to reaching an agreement-in-  
14 principle.

15 The result of the Parties' most recent conference call was a consensus that the latest draft  
16 summary of settlement terms represented significant and substantial progress since the last Joint  
17 Status Report filed with the Court on August 24, 2022 (ECF #23). As such, the Parties agreed that  
18 a joint request to the Court to extend the current stay, scheduled to expire on November 26, 2022,  
19 is necessary and appropriate. The Parties believe that a stay of the litigation for an additional 180  
20 days will enable the Parties to reach a resolution and lodge a proposed Consent Decree with the  
21 Court. Moreover, absent an extension, unnecessary litigation and a waste of the Court's and the  
22 Parties' resources will result, which may also divert from settlement efforts.

23 This additional time is necessary for the Parties to resolve the few remaining issues and to  
24 prepare the proposed Consent Decree. In addition, there are multiple parties involved in these  
25 negotiations. Approval of the proposed Consent Decree is required from several layers of upper  
26 management at DTSC and the decisionmakers in the management structure of the individual  
27 Defendants, all of whom are major corporate entities. A shorter stay of the litigation would risk

28 <sup>1</sup> Chevron Oronite Company LLC; Shell Oil Company; and Atlantic Richfield Company.

1 the Parties not being able to complete and lodge with the Court a proposed Consent Decree,  
2 approved by all Parties, before the litigation resumes.

3 As part of their commitment to continue to make progress towards a potential settlement,  
4 the Parties agree to meet the following settlement negotiation deadlines, as may be necessary:

- 5 • December 23, 2022: Defendants to present Plaintiff with a draft Consent Decree<sup>2</sup> ;
- 6 • January 27, 2023: Plaintiffs to respond to Defendants' draft Consent Decree;
- 7 • February 24, 2023, or another date mutually agreeable to the Parties: The Parties (through  
8 group representatives) to meet in-person or via video conference to attempt to resolve any  
9 remaining open issues regarding the draft Consent Decree; and
- 10 • March 17, 2023, or another date mutually agreeable to the Parties: The Parties to meet  
11 and confer on selecting a mediator and mediation date for any remaining open settlement  
12 terms or issues.

13 The Parties are also submitting status reports and requesting 180-day extensions of the  
14 stays of the litigation pending in the other federal courts hearing the matters involving the other  
15 three IT Landfills – Benson Ridge, Panoche, and Vine Hill. *California Dep't. of Toxic Substances*  
16 *Control, et al. v. Pacific Gas & Electric, et al.*, pending in the Northern District, Case No. 4:21-  
17 cv-07450-HSG (for the Benson Ridge IT Landfill); *California Dep't. of Toxic Substances*  
18 *Control, et al. v. Exxon Mobil Corporation, et al.*, pending in the Eastern District, Case No. 2-21-  
19 cv-01739 WBS-JDP (for the Panoche IT Landfill); and *California Dep't. of Toxic Substances*  
20 *Control, et al. v. Chevron U.S.A., Inc., et al.*, pending in the Northern District, Case No. 3-21-cv-  
21 07453-WHA. (for the Vine Hill IT Landfill).

22 There is also a related state court writ petition with upcoming deadlines regarding motion  
23 practice. *IT Sites Cooperating Joint Defense Group v. California Environmental Protection*  
24 *Agency, et al.*, Solano County Superior Court, No. FCS 056611. The parties to that state court  
25 action will also be seeking an extension of these deadlines on the same grounds as this stay  
26 extension request – *i.e.*, that substantial progress has been made on a comprehensive settlement,

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28 <sup>2</sup> The Parties will also continue to work diligently in good faith to resolve the remaining  
open issues to reach an agreement-in-principle.

1 which would include resolution of that writ petition.

2 For that reason, the Parties respectfully request that the current stay be extended by 180  
3 days to May 25, 2023.

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5 *[signatures on following page]*  
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1 Dated: November 21, 2022

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California

4 */s/ Kate M. Hammond*

5 KATE M. HAMMOND  
6 Deputy Attorney General  
7 SARAH E. MORRISON  
8 Supervising Deputy Attorney General  
9 DONALD ROBINSON  
10 Deputy Attorney General  
11 *Attorneys for Plaintiffs Department of Toxic  
12 Substances Control and the Toxic Substances  
13 Control Account*

14 Dated: November 18, 2022

ROGERS JOSEPH O'DONNELL

15 */s/ Robert C. Goodman*  
16 (as authorized on November 18, 2022)

17 Robert C. Goodman  
18 *Attorneys for Defendant Chevron Oronite  
19 Company LLC*

20 Dated: November 18, 2022

MILLER NASH LLP

21 */s/ Trajan Perez*  
22 (as authorized on November 18, 2022)

23 Trajan Perez  
24 *Attorneys for Defendant Atlantic Richfield  
25 Company*

26 Dated: November 18, 2022

WILSON TURNER KOSMO LLP

27 */s/ Jonna D. Lothyan*  
28 (as authorized on November 18, 2022)

Robin A. Wofford  
Jonna D. Lothyan  
*Attorneys for Defendant Shell Oil Company  
n/k/a Shell U.S.A., Inc.*

## CERTIFICATE OF SERVICE

Case Name: CDTSC and the TOXIC  
SUBSTANCES CONTROL  
ACCOUNT v. CHEVRON  
ORONITE COMPANY LLC; et al.

Case No. 2:21-cv-1737-TLN-JDP

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I hereby certify that on November 22, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT STATUS REPORT AND JOINT REQUEST TO EXTEND STAY OF  
LITIGATION BY 180 DAYS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 22, 2022, at Los Angeles, California.

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Alix C. Branch

Declarant

\_\_\_\_\_  
/s/ Alix C. Branch

Signature

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